REMARKS

Claims 2-22, 24-42, and 44-57 were pending and presently rejected; Applicants request that claims 44-57 be canceled without prejudice or disclaimer as to the subject matter covered thereby; and new claim 79 is herewith added. Entry and favorable consideration of the amendments and remarks tendered herewith is earnestly solicited.

Following entry of the present amendment, claims 2-22, 24-42 and 79 are pending examination on the merits.

Claim 44 was rejected as being dependent upon a canceled claim. Claim 44 is herewith canceled thus rendering this ground of rejection moot. All remaining pending claims (except new claim 79) stand rejected as unpatentable over between four and six discrete references. Following entry of the present amendment Applicants respectfully assert that all the foregoing obviousness rejections stand traversed. That is none of the references teach or suggest, or motivate one of skill in the art to combine said references to arrive at the claimed invention as presently amended. To wit, none of the references alone or in combination provide a variety of stress test protocols for symptomatic and asymptomatic myocardial ischemia as now claimed, that is as set forth in amended independent claims 2, 24 or 79 (reproduced below - with changes accepted for ease of reference):

Excerpted independent claim 2.

(i) a first stress test protocol wherein the programmable pacing rate is slowly increased at from between about five paces per minute (ppm) to about ten ppm from a start rate to a stop rate, wherein the stop rate is greater than the start rate, and the patient's response to the first stress test protocol is

is acquired and stored in a memory structure as a part of a stress test data set;

(ii) a second stress test protocol wherein the IMD is configurable to store timing information specifying a time the IMD is to subject the patient to the first stress test protocol, and to subject the patient to the first stress test protocol at the time, day and/or date specified by the timing information, and the patient's response to the second stress test protocol is acquired and stored in the memory structure as a part of the stress test data set;

(iii) a third stress test protocol wherein the protocol comprises recreating the physiologic conditions of a previously stored episode of paced or intrinsic symptomatic myocardial ischemia that were stored in the memory structure after the patient triggers an episode storage event, and the patient's response to the third stress test protocol is acquired and stored in the memory structure as a part of the stress test data set.

Excerpted independent claim 24.

during a first stress test protocol the control unit programs the pacing rate such that the pacing rate is increased incrementally at about between five paces per minute and ten ppm from a start rate to a stop rate, wherein the stop rate is greater than the start rate while acquiring and storing the stress test data set in the memory; and

during a second stress test protocol the control unit recreates the physiologic conditions of a previously stored episode of paced or intrinsic symptomatic myocardial ischemia that were stored in the memory after the patient triggers an episode storage event, and the patient's response to the third stress test protocol is acquired and stored in the memory as a part of the stress test data set, wherein the device further comprises:

Excerpted independent claim 79 (drawn to a medium for storing instrucitons).

(i) instructions for performing a first stress test protocol wherein a programmable pacing rate is slowly increased at from between about five paces per minute (ppm) to about ten ppm from a start rate to a stop rate, wherein the stop rate is greater than the start rate, and including instructions for acquiring and storing a patient's response to the first stress test protocol in a memory structure as a part of a stress test data set;

(ii) instructions for performing a second stress test protocol according to stored timing information specifying a time the IMD is to subject the patient to the first stress test protocol, and including instructions to subject the patient to the first stress test protocol at the time, day and/or date specified by the timing information, and including instructions for acquiring and storing the patient's response to the second stress test protocol in the memory structure as a part of the stress test data set; and

(iii) instructions for performing a third stress test protocol wherein the protocol comprises recreating the physiologic conditions of a previously stored episode of paced or intrinsic symptomatic myocardial ischemia that were stored in the memory structure after the patient triggers an episode storage event, and including acquiring and storing the patient's response to the third stress test protocol in the memory structure as a part of the stress test data set.

Because the remaining claims depend from independent claim 2 or independent claim 24, Applicants respectfully assert that they too are patentable over the cited art.

Applicants respectfully suggest that the pending claims are now in condition for allowance and earnestly solicit the Examiner to issue such a notice in due course so that the claimed invention can timely pass to issuance as U.S. Letters Patent.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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